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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRESTIGIOUS SHIPPING CO. LTD.,

Plaintiff,

- against -

AGROCORP INTERNATIONAL PTE. LTD.,

Defendant.

07 CV 7101 (CM)

**ATTORNEY'S AFFIDAVIT
IN SUPPORT OF CLAIMANT'S MOTION
TO VACATE MARITIME ATTACHMENT**

5. The Plaintiff, Prestigious Shipping Co., Ltd. (hereinafter "Prestigious") is a foreign company organized and operating under foreign law. *See*, Exhibit 1, Verified Complaint at ¶ 2.

6. The Plaintiff, Prestigious, maintains its principal place of business in Singapore. *See*, Exhibit 1, Verified Complaint, at ¶ 2.

7. The Defendant, Agrocorp International Pte. Ltd., is an international trading house formed in 1990 specializing in the physical trading of agricultural commodities including rice, wheat, pulses & beans, sugar, animal & bird feed, oil seeds and other products. *See*, Exhibit 2, pages from Agrocorp website.

8. The Defendant Agrocorp is an entity duly incorporated in Singapore having a registered office at 133 New Bridge Road, #22-01/02, Chinatown Point, Singapore 059413. *See*, Exhibit 2, pages from Agrocorp website.

9. The Indian Bank is a premier bank that is wholly owned by the Government of India. *See*, Exhibit 3, pages from Indian Bank website.

10. The Indian Bank maintains its principal place of business at PB No.1384, 66, Rajaji Salai, Chennai 600 001, Tamil Nadu, India. *See*, Exhibit 3, pages from Indian Bank website.

State of New York :
County of Nassau :

Owen F. Duffy, being duly sworn, states under penalty of perjury as follows:

1. I am a member of the Bar of the State of New York, and I am admitted to practice before this Court.
2. I am a member of the firm of Chalos, O'Connor & Duffy, LLP, attorneys for the Claimant, Indian Bank, in this action.
3. I am fully familiar with the matters set forth in this affidavit, and my knowledge of the matters set forth in this affidavit is based on information provided to me by Claimant, Indian Bank, its managers, employees, agents and attorneys and my own independent research.
4. I submit this affidavit for the purpose of setting forth the facts and introducing evidence of the facts to support Claimant Indian Bank's Motion to Vacate the Maritime Attachment as to funds in the amount of \$604,036.93 that have been restrained pursuant to the Process of Maritime Attachment by garnishee, American Express Bank, Ltd. and to obtain an Order from this Court directing the garnishee American Express Bank, Ltd. to release said funds to the order of Claimant Indian Bank.

11. The Indian Bank maintains an overseas branch in Singapore, with an office located at Bhart Building, 3 Raffles Place, Singapore, 048617. *See*, Exhibit 4, pages from Indian Bank Singapore website.

12. The Singapore branch of Indian Bank is a fully licensed bank in Singapore that specializes in trade finance requirements, currency dealings working capital and project finance. *See*, Exhibit 4, pages from Indian Bank Singapore website.


13. In accordance with the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims, Rule E (f), the Singapore branch of Indian Bank (hereinafter "Indian Bank") hereby asserts its interest in the funds restrained by garnisheed American Express Bank, Ltd. and seeks to have the attachment vacated as to those funds.

14. The facts relevant to the relationship between the Defendant, Agrocorp and the Indian Bank, together with the details of the underlying transaction pursuant to which the Indian Bank wired the sum of \$604,036.93 are fully set forth in the attached Declaration of Mr. Ashok K. Vishwakrama, who is the Credit Manager of Indian Bank. *See*, Exhibit 5.

15. The Indian Bank is not a defendant in the lawsuit initiated by the Plaintiff, Prestigious Shipping. *See*, Exhibit 1, Verified Complaint.

16. The Plaintiff has no relationship with the M/V RITA, the funds that are being restrained by the garnishee American Express Bank, Ltd. are not in any way connected with the underlying disputes between the Plaintiff, Prestigious, and the Defendant, Agroc corp, as set forth in the Plaintiff's Verified Complaint and the Claimant, Indian Bank, was not in anyway connected with the underlying disputes.

Dated: Port Washington, New York
August 31, 2007


Owen F. Duffy

Subscribed and sworn to before me this
August 31, 2007


Notary Public, State of New York

CHARLES S. CUMMING
Notary Public, State of New York
No. 02CU5047018
Qualified in Suffolk County
Commission Expires July 24, 2009
CERTIFIED IN NASSAU COUNTY